

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,  
Plaintiff,

Case No. 5: 18-cv-977 (CDJ)

-v-

JOSEPH N. HANNA, et. al.,  
Defendants.

MEMORANDUM IN SUPPORT OF  
MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff wishes the court of record to render a partial summary judgment against defendants County of Lehigh, Joseph N. Hanna, John Doe 1 and John Doe 2 and Phillips Armstrong. as authorized by Federal Rule of Civil Procedure 56 and the Law of this Case as detailed in Exhibit 1 previously filed.

A. Introduction

1. Plaintiff is Edward Thomas Kennedy, one of the people of Pennsylvania, in this court of record, wishes a Partial Summary Judgment against Defendants County of Lehigh, Joseph N. Hanna, John Doe 1 and John Doe 2 and Phillips Armstrong. Said Defendants are represented by modern Attorney Backenstoe.

2. Modern Attorney Backenstoe lists his address at 17 South 7th Street, Allentown PA 18101, [telephone] (610) 838-2255 in signed ECF document 33.

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3. Modern Attorney Backenstoe failed to declare and/or swear under penalty of perjury in his paperwork in this case is true and correct, probable evidence of their intent to lie, mislead, misconstrue, misrepresent and/or put false information into this court of record.

4. Modern Attorney Backenstoe took an oath to the government and his private membership association, and this court of record, not to lie, mislead, misconstrue, misrepresent and/or put false information into this court of record.

5. In ECF document 33, page 36, Backenstoe violated FRCP 5.2, and thus lied, mislead, misconstrued, misrepresented and put information into this court of record in violation of FRCP 5.2

6. The Disciplinary Board of the Supreme Court of Pennsylvania, link here: <https://www.padisciplinaryboard.org/for-the-public/find-attorney/attorney-detail/49473>, states the following:

Backenstoe, David M.  
Public Information  
Attorney ID: 49473  
Current Status: Active  
Date of Admission: 11/9/1987  
Law Firm:  
Other Organization:  
Address: 148 MAIN ST  
HELLERTOWN Pennsylvania 18055-1716  
Country: United States  
Telephone: (610) 838-2255  
Fax: (610) 838-2244  
County: Northampton

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**B. Statement of Facts**

7. Plaintiff is Edward Thomas Kennedy, one of the people of Pennsylvania, in this court of record, wishes a Partial Summary Judgment against said Defendants, states facts as follows:

- a. there is no genuine issue of material fact concerning injury to Kennedy by the said Defendants
- b. Kennedy is one of the people of Pennsylvania,
- c. this is a court of record,
- d. the Law of the Case including Federal Rules of Civil Procedure (FRCP),
- e. Backenstoe violated FRCP 5.2 in ECF document 33, page 36, listing Kennedy's birthdate,
- f. Backenstoe filed his paperwork by ECF and clicked the box that he complied with FRCP 5.2,
- g. Backenstoe took an oath to tell the truth and comply with the rules of this court.
- h. Kennedy is entitled to privacy by law, by tradition, and by the rules of this court, and Backenstoe lied under oath and violated Kennedy's rights.
- i. In this United States District Court, for the Eastern District of Pennsylvania, the office of clerk is called Clerk of Court, but modern Attorney Backenstoe files his Notice of Appearance to the Prothonotary,
- j. The foundation of law of this court is the Judiciary Act of 1789, which does not recognize the job title of Prothonotary, <sup>1</sup>probable grounds for a successful Appeal.

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<sup>1</sup> <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/lls1001.db&recNum=196>

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k. Backenstoe lists two separate and distinct addresses and phone numbers, also probable grounds for a successful Appeal.

8. Said Defendants, County of Lehigh, a government, and its employees and/or agents exceeded their jurisdiction. By exceeding its jurisdiction, Plaintiff was injured by said Defendants. By the law of the case, Plaintiff wishes damages as expressed in US dollars for \$25,000,000.00 at 50 percent or \$12,500,000.00 for a partial summary judgement.

9. On July 19, 2018, Backenstoe filed a Motion to Dismiss and Memo on behalf of said defendants.

### C. Argument

10. Partial Summary Judgment is proper in a case where there is no genuine issue of material fact.<sup>2</sup>

11. A plaintiff moving for partial summary judgment satisfies its burden by submitting partial summary judgment proof that establishes all elements of its claim as a matter of law,<sup>3</sup> defined in this case as the common law.

12. Plaintiff shows that no reasonable trier of fact in a court of record could find other than for plaintiff Kennedy<sup>4</sup> by right, by law, by tradition, by justice, by fiduciary duty to the Plaintiff by the said Defendants and by common sense.

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<sup>2</sup> Fed. R. Civ. P. 56(c); Scott v. Harris, U.S. 127 S. Ct. 1769, 1776 (2007); Celotex Corp. v. Catrett, 411 U.S. 317, 322, 106 S. Ct. 2548, 2552 (1986).

<sup>3</sup> San Pedro v. United States, 79 F.3d 1065, 1068 (11th Cir. 1996).

<sup>4</sup> Calderone v. United States, 799 F.2d 254, 259 (6th Cir. 1986).

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13. Because there are no genuine issues of material fact on any element of plaintiff's notice and demand, plaintiff is entitled to partial summary judgment as a matter of law.<sup>5</sup>

Take Judicial Cognizance

Plaintiff may wish punitive damages at a later date.

D. Law of the Case

14. Exhibit 1 Law of the Case previously filed in this case is incorporated herein and the Federal Rules of Civil Procedure are the rules of the court of record in the above entitled court. The rules shall be construed and administered to secure the just, speedy, and inexpensive determination of this action, and Plaintiff wishes this to be so as stated herein.

E. Partial Summary Judgment Evidence

15. In support of his motion, plaintiff notices the court of prima facie evidence in MacMain's initial filing on page 33 of 35 pages which is incorporated by reference into the motion and especially take judicial cognizance of previously filed document titled Exhibit 1 and Exhibit 2.

Date: August 8, 2018

Respectfully submitted,

/s/ *Edward Thomas Kennedy* seal

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Edward Thomas Kennedy  
401 Tillage Road

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<sup>5</sup> Exhibit 2, page 1 of 1, is a response from Judith Johnston to Plaintiff and is prima facie evidence that the government exceed its jurisdiction.

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Breinigsville, Pennsylvania 18031  
Email: kennedy2018@alumni.nd.edu  
Phone: 4152751244 (message)

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